

TABLE OF CONTENTS

ARTICLE 1 INCORPORATION; SHORT TITLE; POWERS 1

Section 1-1	Incorporation	31
Section 1-2	Short Title	31
Section 1-3	Powers of the Town	31
Section 1-4	Division of Powers	31
Section 1-5	Construction	31
Section 1-6	Intergovernmental Relations	31
Section 1-7	Definitions	31-24

ARTICLE 2 LEGISLATIVE BRANCH

Section 2-1	Town Meeting	42
Section 2-2	Presiding Officer	42
Section 2-3	Committees	53
Section 2-4	Time of Meetings	53
Section 2-5	Special Meetings	53
Section 2-6	Warrants	53
Section 2-7	Initiation of Warrant Articles	5-63-4
Section 2-8	Availability of Town Officials at Town Meetings	46
Section 2-9	Clerk of the Meeting	64
Section 2-10	Rules of Procedure	64
Section 2-11	General Powers and Duties	64

ARTICLE 3 ELECTED OFFICIALS

Section 3-1	General Provisions	64
Section 3-2	Board of Selectmen	4-66-8
Section 3-3	School Committee	6-78-9
Section 3-4	Board of Assessors	79
Section 3-5	Cemetery Commissioners	79
Section 3-6	Board of Health	7-89-10
Section 3-7	Board of Library Trustees	810
Section 3-8	Town Moderator	810
Section 3-9	Board of Park Commissioners	8-910
Section 3-10	Planning Board	911
Section 3-11	Commissioners of Trust Funds	9
Section 3-12	Town Clerk	9
Section 3-11	Lunenburg Housing Authority	1011
Section 3-12	Board of Sewer Commissioners	11-12

ARTICLE 4 ~~CHIEF ADMINISTRATIVE AND FINANCIAL OFFICER~~ TOWN MANAGER

1012		
Section 4-1	Appointment; Qualifications; Term	10-11-12-13
Section 4-2	Powers and Duties	11-134
Section 4-3	Delegation of Authority	1314
Section 4-4	Acting Chief Administrative & Financial Officer Town Manager	1314-15
Section 4-5	Removal and Suspension	1315

ARTICLES-ARTICLE 5

		ADMINISTRATIVE ORGANIZATION 1315
Section 5-1	Organization of Town Agencies	13-1415-16
Section 5-2	Merit Principle	1416
Section 5-3	Department of Finance and Financial Services	14-1616-18
Section 5-4	Department of Fire and Emergency Services	1618

ARTICLE 6 FINANCES AND FISCAL PROCEDURES	<u>18</u>
Section 6-1	Fiscal Year <u>18</u>
Section 6-2	School Committee Budget <u>18</u>
Section 6-3	Submission of Budget and Budget Message <u>18</u>
Section 6-4	Budget Message <u>19</u>
Section 6-5	The Budget <u>19</u>
Section 6-6	Action on the Budget <u>19</u>
Section 6-7	Capital Improvements Program <u>19-20</u>
ARTICLE 7 GENERAL PROVISIONS	<u>20</u>
Section 7-1	Elections <u>20</u>
Section 7-2	Charter Changes <u>20</u>
Section 7-3	Severability <u>20</u>
Section 7-4	Specific Provisions to Prevail <u>20</u>
Section 7-5	Number and Gender <u>20</u>
Section 7-6	Rules and Regulations <u>20</u>
Section 7-7	Periodic Review, Charter and By-Laws <u>20-21</u>
Section 7-8	Procedures Governing Multiple Member Bodies <u>21</u>
Section 7-9	Removals and Suspensions <u>22</u>
Section 7-10	Notice of Vacancies <u>22</u>
ARTICLE 8 TRANSITIONAL PROVISIONS	<u>22</u>
Section 8-1	Continuation of Existing Laws <u>22</u>
Section 8-2	Continuation of Government <u>22</u>
Section 8-3	Continuation of Administrative Personnel <u>23</u>
Section 8-4	Transfer of Records and Property <u>23</u>
Section 8-5	Time of Taking Effect <u>23-24</u>

ARTICLE 1 INCORPORATION; SHORT TITLE; POWERS

SECTION 1-1: INCORPORATION

The inhabitants of the Town of Lunenburg within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Lunenburg".

SECTION 1-2: SHORT TITLE

This instrument shall be known and may be cited as the Lunenburg Home Rule Charter.

SECTION 1-3: POWERS OF THE TOWN

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Lunenburg to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

SECTION 1-4: DIVISION OF POWERS

The administration of all of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen. The legislative powers of the town shall continue to be vested in a town meeting open to all voters of the town.

SECTION 1-5: CONSTRUCTION

The powers of the Town of Lunenburg under this charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Lunenburg as stated in section 1-3.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject to the applicable requirements of any provision of the constitution or statutes of the Commonwealth, the Town of Lunenburg may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or agency thereof.

SECTION 1-7: DEFINITIONS

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

- (a) **Appointing Authority** - The words "appointing authority" (used alone) shall mean the officer or multiple member body which appoints the officer, member of a multiple member body or town employee.
- (b) **CAFO Town Manager Screening Committee** - The words "CAFO town manager screening committee" shall mean the body established in section 4-1, ~~to consist of two members of the board of selectmen to be designated by it, two members of the school committee to be designated by it, one member of the board of assessors to be designated by it, one member of the planning board to be designated by it, and the town moderator.~~ The town moderator shall serve as the chair of the CAFO town manager screening committee.
- (c) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.
- (d) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, event,, occurrence or condition which necessitates immediate action or response.
- (e) **Full Multiple Member Body** - The words "full multiple member body" shall mean the entire authorized complement of the board of selectmen, the, school committee or other multiple member body notwithstanding any vacancy which might exist.

- (f) **general laws** - The words “general laws” (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two or more towns and or cities and towns of which Lunenburg is a member.
- (g) **General Laws** - The words “General Laws” (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments and additions thereto subsequently adopted.
- (h) **Local Newspaper** - The words “local newspaper” shall mean a newspaper of general circulation within Lunenburg, with either a weekly or daily circulation.
- (i) **Majority Vote** - The words “majority vote” when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by by-law, by law, or by its own rules.
- (j) **Multiple Member Body** - The words “multiple member body” shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the board of selectmen or the school committee.
- (k) **Quorum** - The word “quorum” shall mean a majority of all members of a multiple member body unless some other number is required by law or by by-law.
- (l) **Town.** - The word “town” shall mean the town of Lunenburg.
- (m) **Town Agency** - The words “town agency” shall mean any multiple member body, any department, division, or office of the town of Lunenburg.
- (n) **Town Bulletin Boards**- The words “town bulletin boards” shall mean the bulletin board in the town hall on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the board of selectmen.
- (o) **Town Officer** - The words “town officer” when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the town.
- (p) **Voters** - The word “voters” shall mean registered voters of the town of Lunenburg.

ARTICLE 2 LEGISLATIVE BRANCH

SECTION 2-1: TOWN MEETING

The legislative powers of the town shall be exercised by a town meeting open to all voters.

SECTION 2-2: PRESIDING OFFICER

The moderator, elected as provided in section 3-8, shall preside at all sessions of the town meeting. Annually, at the first session of the spring town meeting, the moderator shall appoint a deputy moderator to serve as acting moderator in the event of the temporary absence or disability of the moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting. The deputy moderator shall, when presiding at town meeting sessions, have all of the powers of the moderator, but shall have no other powers or duties of the moderator.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law or by other vote of the town meeting.

SECTION 2-3: COMMITTEES

(a) *In General* - Subject to the provisions of this charter and such by-laws or other town meeting votes regarding committees as may be provided, the moderator shall appoint for fixed terms the members of such committees of the town meeting, special or standing, as may from time to time be established. In addition to such specific powers, duties and responsibilities as may be provided to a town meeting committee by the by-law or vote establishing it, each such committee when acting within the scope of its authority shall have a right to examine the pertinent records of any town agency and to consult, at reasonable times, with any town officer, employee or agent.

~~(b) *Finance Committee* - There shall be a finance committee the members of which shall be appointed by the board of selectmen. The number of members, the term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by by-law. The subject matter of all proposals to be submitted to a town meeting by warrant articles shall be referred to the finance committee by the board of selectmen at the earliest practicable time following their receipt by the board of selectmen. The finance committee shall report its recommendations on every article having a financial or fiscal impact contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Provisions for the distribution of the report of the finance committee shall be made by by-law. Before preparing its recommendations the finance committee shall hold one or more public hearings to permit public discussion of the subject matter of the articles contained in the warrant. The finance committee shall have such additional powers and duties as may be provided by general law or by by-law.~~

1. *Composition, Term of Office* – There shall be a finance committee that shall consist of seven members appointed for terms of three years each so arranged that the terms of as nearly an equal number of members as is possible shall expire each year. The members shall be appointed by a committee consisting of: one member of the board of selectmen chosen by it, one member of the school committee chosen by it and the town moderator.

2. *Powers and Duties* –

a. The finance committee shall have the primary responsibility to report to town meeting on the proposed budget of the town manager and all warrant articles having a fiscal impact on the town, as more particularly detailed in the charter, town bylaws, and the laws of the Commonwealth; before preparing its final recommendations the finance committee shall hold one or more public hearings to permit public discussion on the subject matter of the articles contained in the warrant.

b. To fulfill its primary responsibility, the finance committee shall be involved in the budget in cooperation with the town manager after it is submitted to the finance committee and filed with the town clerk.

c. The finance committee shall have all other powers conferred on finance committees by the laws of the Commonwealth

SECTION 2-4: TIME OF MEETING

The annual town meeting shall be held during April or May, on a date fixed by by-law.

SECTION 2-5: SPECIAL MEETINGS

Special town meetings may be held at the call of the board of selectmen at such times as such board may deem necessary, or desirable, in order to transact the legislative business of the town in an orderly manner. Special town meetings may also be held on the petition of two hundred or more voters, in the manner provided by general law. The town clerk shall make forms for the calling of a special town meeting available to voters, upon request.

SECTION 2-6: WARRANTS

Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every town meeting shall be in accordance with a town by-law governing such matters.

SECTION 2-7: INITIATION OF WARRANT ARTICLES

(a) *Initiation* - The board of selectmen shall receive at any time all petitions addressed to it and which request the submission of any matter to the town meeting and which are filed by any ten voters for the annual town meeting and any one hundred voters for a special town meeting.

(b) *Referral* - Forthwith following receipt of any proposed warrant article the board of selectmen shall cause a copy of the proposal to be mailed to the residence of the chairperson of the finance committee, a copy to be posted on the town bulletin board and shall cause such other distribution to be made of each such proposal as may be required by law or by by-law.

(c) *Inclusion on Warrant* - The board of selectmen shall close the warrant for a regular town meeting on the date established by by-law for such closing preceding the date on which the town meeting is scheduled, by by-law, to convene. The board of selectmen shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with it be included after said date.

Whenever a special town meeting is to be called the board of selectmen shall give notice by publication in a local newspaper of its intention and shall notify all town agencies of its intention so to do. The board of selectmen shall include in the warrant for such special town meeting the subject matter of all petitions which are received at its office on or before five o'clock in the afternoon of the fifth business day following such publication which are in conformity with the provisions of section 2-7 (a) and which specifically request that the subject matter be included on the warrant for said special town meeting.

SECTION 2-8: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS

Every town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the town meeting at which warrant articles pertinent to their agency are or may be acted upon for the purpose of providing the town meeting with information pertinent to all such matters as appear in the warrant for the town meeting.

In the event any town officer, chairperson of a multiple member body, department head or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section unless a majority of the town meeting shall vote to deny such person this privilege.

SECTION 2-9: CLERK OF THE MEETING

The town clerk shall serve as clerk of the town meeting, give notice of all adjourned sessions thereof, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, by this charter, by by-law or by other town meeting vote.

SECTION 2-10: RULES OF PROCEDURE

The town meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of all town meetings.

SECTION 2-11: GENERAL POWERS AND DUTIES

All powers of the town, except as otherwise provided by law or this charter, shall be vested in the town meeting. The town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made in this charter, or by by-law.

ARTICLE 3 ELECTED OFFICIALS

SECTION 3-1: GENERAL PROVISIONS

(a) *Elective Offices* - The town offices to be filled by ballot of the whole town shall be a board of selectmen, a school committee, a board of assessors, a board of cemetery commissioners, ~~four of the members of~~ a board of health, a

board of park commissioners, a planning board, a board of trustees of the public library, ~~a board of commissioners of trust funds~~, a town moderator ~~and a town clerk~~ and a board of sewer commissioners. In addition, members of a housing authority and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise shall also be elected at town elections.

(b) *Eligibility* - Any voter shall be eligible to hold any elective town office; but no elected town official shall simultaneously hold any other elected town office, as defined in 3-1(a), above.

(c) *Election* - The regular elections for town office shall be held annually on such date as may from time to time be fixed in the by-laws of the town.

(d) *Compensation* - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.

(e) *Coordination* - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen, or of the ~~chief administrative and financial officer~~ town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

(f) *Filling of Vacancies*

(1) Town Officer - If there is a failure to elect, or if a vacancy occurs in the office of town clerk the board of selectmen shall, in writing, appoint some suitable person to serve until the next town election.

(2) Multiple-Member Body - If there is a failure to elect, or if a vacancy occurs in the membership of any elected multiple member body, including the school committee, unless the provisions of a will or trust provide for a different method, the remaining members of the multiple member body shall forthwith give notice of such vacancy to the board of selectmen and to the public in the manner provided in section 7-10. The board of selectmen, with the remaining members of such multiple member body shall, after one week's notice of the date on which the vote shall be taken, fill such vacancy, until the next town election, by a joint vote. The votes of a majority of the total number of persons entitled to vote shall be necessary for such election.

(3) Board of Selectmen - If there is a failure to elect, or if a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen may call a special election to fill such vacancy and shall call such special election upon the written ~~request~~ petition of two hundred or more voters.

(g) *Recall of Elected Officials*

(1) Who can be Recalled - Any holder of an elective office, as defined in section 3-1(a) with more than six months remaining of the term for which elected, may be recalled therefrom by the voters as herein provided.

(2) Recall Petition - Any one hundred voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, printed forms of which shall be kept available. When issued the blanks shall contain the signature and official seal of the town clerk and may be completed by printing or by typewriting. They shall be dated, shall be addressed to the board of selectmen and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of town clerk. The recall petition shall be returned and filed with the town clerk within twenty-five days after the filing of the affidavit and shall have been signed by at least twenty per cent of the voters who shall add to their signatures the street and number, if any, of their residences.

The town clerk shall within twenty-four hours of receipt submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures, which are names of voters.

(3) Selectmen's Action on Receiving Petition - If the petition shall be found and certified by the registrars of voters to be sufficient they shall submit the same with their certificate to the selectmen without delay, and the selectmen shall, forthwith, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer

does not resign within five days thereafter, order an election to be held on a date fixed by them not more than sixty days after the date of the registrars' certificate that a sufficient petition be filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to succeed to the office if the vote on the recall is in the affirmative. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(5) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties of the office until the recall election. If not then recalled such person shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. If then recalled in the recall election such person shall be deemed removed upon the qualification of the candidate receiving the highest number of votes at the recall election who shall serve for the balance of the then unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(6) Propositions on Ballot - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "candidates", the directions to voters required by section 42 of chapter 54 of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted.

(7) Repeat of Recall Petition - No recall petition shall be filed against an officer within three months after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least three months after the election at which the recall was submitted to the voters.

(8) Appointment of Person Recalled- No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against them, shall be appointed to any town office within two years after such recall or such resignation.

SECTION 3-2: BOARD OF SELECTMEN

(a) *Composition, Term of Office* - There shall be a board of selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

(b) *Powers and Duties in General* - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise.

The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines that are to be implemented by officers and employees serving under it.

(c) *Licensing Authority* - The board of selectmen shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

(d) *Appointments* - The board of selectmen shall appoint a town accountant, constables, the town counsel, ~~the building inspector~~, the members of the board of appeals, the conservation commission, the historical commission, the personnel board, the registrars of voters and other election officers, the members of the council on aging (as provided by by-law) and a director of said council, and the members of other multiple member bodies the functions of which do not involve direct operating responsibilities, but, which are, primarily, policy making or advisory in nature. Unless some other provision is expressly made by law the board of selectmen shall also appoint other individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional or district authorities.

The appointment of a police chief, fire chief, DPW director, building inspector, inspector of wires or plumbing inspector by the town manager shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority of all its members vote to reject such appointment, or has sooner voted to affirm it.

(e) *Investigations* - The board of selectmen may make investigations and may authorize the ~~chief administrative and financial officer~~ town manager to investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. The report of the results of such investigation shall be placed on file in the office of the board of selectmen and a report summarizing the results of such investigation shall be printed in the next annual town report.

SECTION 3-3: SCHOOL COMMITTEE

(a) *Composition, Term of Office* - There shall be a school committee consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

(b) *Powers and Duties* - The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by by-law, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

1) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee;

2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;

3) To adopt and administer an annual operating budget for the school department, subject to appropriation by the town meeting.

The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town meeting may, by by-law, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

SECTION 3-4: BOARD OF ASSESSORS

(a) *Composition, Term of Office* - There shall be a board of assessors consisting of three members elected for terms of three-years each, so arranged that the term of office of one member shall expire each year.

(b) *Powers and Duties* - The board of assessors shall annually make a fair cash valuation of all the estate, real and personal, subject to taxation within the town. It shall determine, based on such valuations and such sums as may be authorized to be expended by town meeting and consideration of other income and expenses of the town, annually, the rate of taxation to apply against property in the town. The board of assessors shall have such other powers and duties which are given to boards of assessors by general law, by this charter, by town by-law or by other vote of the town meeting.

(c) *Appointments* – The appointment of a principal assessor by the town manager shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of assessors, unless the board of assessors shall, within that period, by a majority of all its members vote to reject such appointment, or has sooner voted to affirm it.

SECTION 3-5: CEMETERY COMMISSION

(a) *Composition, Term of Office* - There shall be a board of cemetery commissioners consisting of three members elected for terms of three-years each, so arranged that the term of office of one member shall expire each year.

(b) *Powers and Duties* - The board of cemetery commissioners shall have the responsibility to make regulations governing the care, superintendence and management of all public burial grounds in Lunenburg and to layout existing public burial grounds and may lot out in lots or other suitable subdivision with proper paths, lanes and ways appropriate for burial use any other land acquired by the town for burial purposes. The day-to-day care and maintenance of the cemeteries shall be under the supervision of the ~~chief administrative and financial officer~~town manager.

SECTION 3-6: BOARD OF HEALTH

(a) *Composition, Term of Office* – There shall be a board of health ~~which shall consist~~ing of five members, ~~four of these members shall be~~ elected for terms of three years each ~~and the fifth member shall be appointed by the board of selectmen. The terms of office shall be~~ so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) *Powers and Duties* - The board of health shall be responsible for the formulation and enforcement of local rules and regulations affecting the environment and the public health and for the enforcement within the town of all state statutes and the provisions of the so-called, code of Massachusetts regulations, affecting the public health. The board of health shall have all of the other powers, duties and responsibilities given to boards of health by general laws.

SECTION 3-7: BOARD OF LIBRARY TRUSTEES

(a) *Composition, Term of Office* - There shall be a board of trustees of the public library consisting of seven members, elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) *Powers and Duties* - The board of trustees of the public library shall have the custody and management of the library and reading rooms and of all property of the town devoted to library purposes. All funds raised or appropriated by the town for the support and maintenance of the library shall be expended under the direction of said board. All funds which the town may receive by gift, by bequest, or otherwise for library purposes, shall be administered under the direction of said board in accordance with the terms of such gift, bequest or otherwise.

The board of trustees of the public library shall, subject to appropriation, have the following specific powers and duties:

- 1) To appoint a director of library services who shall be charged with the day to day administration of the library system, subject to policy directives established by the trustees.
- 2) To appoint all other officers and employees connected with the library system and within the limits established by collective bargaining agreements, the town personnel by-law or otherwise, to fix their salaries, define their duties, make rules concerning their tenure of office and to discharge them.

3) To make all reasonable rules and regulations for the operation and management of the library system and for the conduct of its own business and affairs as may be deemed necessary.

The board of trustees of the public library shall in all matters of general municipal policy and procedure be subject to policy directives designed to achieve uniformity and better administrative control as may from time to time be established by the ~~chief administrative and financial officer~~town manager. Responsibility for the ordinary maintenance of library buildings and property may be transferred to a central municipal maintenance department by town meeting vote.

The board of trustees of the public library shall have all of the other powers and duties which are given to library trustees by general law, by this charter, by by-law or by other vote of the town meeting.

SECTION 3-8: TOWN MODERATOR, ~~TOWN~~

(a) Term of Office - At each town election at which the term of office expires, or when a vacancy exists, a town moderator shall be elected for a term of three years.

(b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, shall regulate its proceedings, decide all questions of order and shall have such other powers and duties as may be provided for that office by general law, by this charter, by by-law and by other vote of the town meeting.

(c) Vacancy – In the event of a vacancy in the office of town moderator, the deputy moderator, as designated in Section 2-2, shall perform the powers and duties of the moderator until the election of a successor.

SECTION 3-9: BOARD OF PARK COMMISSIONERS, ~~BOARD OF~~

(a) Composition, Term of Office - There shall be a board of park commissioners consisting of three members who shall be elected for terms of three years each, so arranged that the term of one member shall expire each year.

(b) Powers and Duties - The board of park commissioners may lay out and improve public parks, make rules for their use and government, appoint all necessary engineers, surveyors, clerks and other officers, including a police force to act in such parks, define their powers and duties, fix their compensation and do all acts needful for the proper execution of their powers and duties. Subject to appropriation the park commissioners may conduct park programs and recreation activities at locations other than the public parks. The day-to-day care and maintenance of the public parks shall be under the supervision of the ~~chief administrative and financial officer~~town manager.

SECTION 3-10: PLANNING BOARD

(a) Composition, Term of Office - There shall be a planning board consisting of five members who shall be elected for terms of five years each, so arranged that the term of one member shall expire each year.

(b) Powers and Duties - The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The board shall make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the entire town. The board shall have the power to regulate the sub-division of land within the town by the adoption of rules and regulations governing such development and the administration of such rules and regulations. The planning board shall make recommendations to the town meeting on all matters affecting land use and development, including the zoning by-law of the town.

(c) Appointments – The appointment of a planning director by the town manager shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the planning board, unless the planning board shall, within that period, by a majority of all of its members vote to reject such appointment, or has sooner voted to affirm it.

The planning board shall make an annual report, giving information regarding the condition of the town and any plans or proposals for its development and estimates of their costs. The planning board shall have all of the other powers and duties planning boards are given by general law, by this charter, by by-law or by other vote of the town meeting.

SECTION 3-11: BOARD OF COMMISSIONERS OF TRUST FUNDS, COMMISSIONERS OF

~~(a) *Composition, Term of Office*—There shall be a board of commissioners of trust funds who shall be elected for terms of three years each, so arranged that the terms of one member shall expire each year.~~

~~(b) *Powers and Duties*—The board of commissioners of trust funds shall have the management of all trust funds given or bequeathed to for the benefit of the town or the inhabitants thereof, unless the donor in making the gift or bequest shall make some other provision for the management of the fund.~~

~~The board of commissioners of trust funds shall, consistent with the terms of the trusts, manage and control the same, and distribute the income in accordance with the terms of the respective trusts. The board of commissioners of trust funds shall keep a record of its doings and at the close of each financial year it shall make a written report to Town Meeting showing the total amount of the funds, their investments, receipts and disbursements.~~

SECTION 3-12: TOWN CLERK

~~(a) *Term of Office*—There shall be a town clerk elected for a term of three years.~~

~~(b) *Powers and Duties*—The town clerk shall be the keeper of vital statistics for the town; the custodian of the town seal; shall administer the oath of office to all persons, elected or appointed to any town office; shall issue such licenses and permits as are required by law to be issued by town clerks; supervise and manage the conduct of all elections and all other matters relating to elections; be the clerk of the town meeting, keep its records and in the absence of the town moderator or deputy town moderator to preside pending the election of a temporary town moderator. The town clerk shall have such other powers and duties as are given to town clerks by general law, by this charter, by law or by other vote of the town meeting.~~

SECTION 3-131: LUNENBURG HOUSING AUTHORITY

(a) *Composition, Term of Office* - There shall be a housing authority consisting of five members, four of these members shall be elected by the voters and one shall be appointed in the manner provided by general law. All of the members shall serve for five-year terms, so arranged that the term of office of one member shall expire each year.

(b) *Powers and Duties* - The housing authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The housing authority shall have such other powers and duties as are given to housing authorities by general laws.

SECTION 3-142: BOARD OF SEWER COMMISSIONERS

(a) *Composition, Term of Office* - There shall be a board of sewer commissioners consisting of five members who shall be elected to terms of 3 years each, so arranged that the terms of as nearly an equal number of members as possible shall expire each year.

(b) *Powers and Duties* - The board of sewer commissioners shall make careful studies of the resources, possibilities and needs of the town as they relate to the availability of sanitary sewers and shall make plans for the installation of a system of sanitary sewers and for the maintenance of a sanitary sewer system. The board of sewer commissioners shall develop a comprehensive or master plan for a town-wide system of sanitary sewers, setting forth, in graphic and textual form, policies to govern the future growth and development of the entire town. The board of sewer commissioners shall, in conjunction with other land use bodies, assist in developing a long-range strategic plan for guiding town growth and development. The powers and authority of the board of sewer commissioners shall include oversight of the sewer enterprise fund, to set rates and charges for the use of the sanitary sewer system, ratification responsibility for the sewer business manager and advice to the board of selectmen relating to intergovernmental agreements relating to sanitary sewers. The day-to-day operation, care and maintenance of the sanitary sewers shall be under the supervision of the town manager.

(c) *Appointments* – The appointment of a sewer business manager by the town manager shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of sewer commissioners, unless the board of sewer commissioners shall, within that period, by a majority of all of its members vote to reject such appointment, or has sooner voted to affirm it.

ARTICLE 4

CHIEF ADMINISTRATIVE AND FINANCIAL OFFICERTOWN MANAGER

SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM

There shall be a ~~chief administrative and financial officer~~town manager who shall be responsible for the coordination and direction of all administrative and financial affairs of the town.

The ~~chief administrative and financial officer~~town manager shall be appointed by the board of selectmen from a list submitted to it by a ~~CAFO~~town manager screening committee which shall consist of ~~two~~one members of the board of selectmen, ~~chosen~~designated by it, ~~two~~one members of the school committee, ~~chosen~~designated by it, ~~one member of the board of assessors, chosen by it,~~ one member of the planning board, ~~chosen~~designated by it, ~~one member of the finance committee to be designated by it~~ and the town moderator, who shall call all meetings of the ~~CAFO~~town manager screening committee and shall serve as its chair. Whenever the position of ~~chief administrative and financial officer~~town manager shall be vacant the ~~CAFO~~town manager screening committee shall be convened, shall solicit candidates, review applications, interview and rate candidates and submit a list of qualified candidates to the board of selectmen who shall appoint a ~~chief administrative and financial officer~~town manager only from the list so prepared and submitted to it.

The ~~chief administrative and financial officer~~town manager shall be a person especially fitted by education, training and previous experience in public administration and finance to perform the duties of the office. The board of selectmen shall appoint the ~~chief administrative and financial officer~~town manager to serve for an indefinite term and shall fix the compensation for such person, annually, within the amount appropriated by the town. The ~~chief administrative and financial officer~~town manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications with special emphasis on financial matters. The board of selectmen may enter into a contract of employment with the ~~chief administrative and financial officer~~town manager over wages, hours, benefits and other conditions of employment but no such contract shall be deemed to prevent the removal of the ~~chief administrative and financial officer~~town manager by a majority vote of the full board of selectmen.

The ~~chief administrative and financial officer~~town manager need not be a resident of the town or of the commonwealth ~~at the time of appointment, but, unless the board of selectmen shall, by a vote of at least four of its five members, extend such time or waive such requirement, a residence in the town of Lunenburg shall be established within one year following appointment.~~ The ~~chief administrative and financial officer~~town manager shall not have served in an elective or appointive office in the town government for at least twelve months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate.

The ~~chief administrative and financial officer~~town manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business, occupation or profession during such service, unless such action is approved in advance and in writing by the board of selectmen.

The board of selectmen shall provide for an annual review of the job performance of the ~~chief administrative and financial officer~~town manager, which shall, at least in summary form, be a public record. Any vacancy in the office of the ~~chief administrative and financial officer~~town manager shall be filled as soon as possible by the ~~CAFO~~town manager screening committee and the board of selectmen, and meanwhile the board of selectmen, ~~after consultation with the CAFO screening committee,~~ shall appoint a qualified town administrative officer or employee temporary ~~chief administrative and financial officer~~town manager to perform the duties of the office. Such temporary appointment may not exceed three months but one additional renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for a temporary ~~chief administrative and financial officer~~town manager shall be set by the board of selectmen.

SECTION 4-2: POWERS AND DUTIES

The ~~chief administrative and financial officer~~town manager shall be the chief financial officer for all town agencies. The ~~chief administrative and financial officer~~town manager shall be the chief administrative officer of the town,

directly responsible to the board of selectmen for the administration of all town affairs for which the office of ~~chief administrative and financial officer~~town manager is given responsibility by or under this charter. The powers and duties of the ~~chief administrative and financial officer~~town manager shall include, but are not intended to be limited to, the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of ~~chief administrative and financial officer~~town manager is given authority, responsibility or control by this charter, by by-law, by town meeting vote, by vote of the board of selectmen, by vote of the school committee, or otherwise.

(b) To structure, supervise, direct and be responsible for the efficient coordination of all of the fiscal and financial business of the town, including the school department. In the conduct of this activity the ~~chief administrative and financial officer~~town manager shall be subject to the advice of the school committee in addition to the advice of the board of selectmen.

(c) To recommend to the board of selectmen candidates to be appointed by ~~it the board of selectmen~~ to the offices of the town clerk, town treasurer and town collector, ~~who may be the same individual; to recommend appoint candidates to the board of selectmen candidates to be appointed ratified by it the board of selectmen~~ to the offices of police chief, fire chief, the ~~superintendent of highways~~DPW director, building inspector, inspector of wires, and the plumbing inspector; to ~~recommend appoint candidates to the board of assessors candidates to be appointed ratified by it the board of assessors~~ to the office of professional assessor; ~~to appoint candidates to be ratified by the planning board to the office of planning director; to appoint candidates to be ratified by the board of sewer commissioners for the office of sewer business manager.~~ The provisions of this section shall apply to the appointment of any person under any other title who will perform, as the result of any reorganization of the administrative structure of the town, substantially similar duties as the officers named in this section.

(d) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions and employees for whom no other method of selection is provided by this charter. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless the board of selectmen shall within that period by a majority of all of its members vote to reject such appointment, or has sooner voted to affirm it. Copies of the notices of all such proposed appointments shall be posted on the town bulletin board when submitted to the board of selectmen.

(e) To be, in conjunction with a personnel board established by by-law, entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The ~~chief administrative and financial officer~~town manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, unless some other provision is made by law.

(f) To attend all regular and special meetings of the board of selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.

(g) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the board of selectmen, but not less than once in each year, a full report of all town administrative and financial operations during the period reported on, which report shall be made available to the public. At the first session of the annual town meeting the ~~chief administrative and financial officer~~town manager shall give an oral report summarizing the financial condition of the town and recommending strategies to be followed during said meeting to enhance the fiscal condition of the town.

(h) To keep the board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the ~~chief administrative and financial officer~~town manager may deem necessary or expedient.

(i) To have full jurisdiction over the rental and use of all town facilities and property except property under the control of the school committee, the library trustees and the conservation commission. To be responsible for the maintenance and repair of all town buildings and facilities placed under the control of the ~~chief administrative and financial officer~~town manager by this charter, by by-law, by vote of the town or otherwise.

(j) To prepare and present, in the manner provided in Article 6, an annual operating budget for the town and a proposed capital outlay program for the five fiscal years next ensuing.

(k) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee.

(l) To negotiate all contracts involving any subject within the jurisdiction of the office of ~~chief administrative and financial officer~~town manager, including contracts with town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment.

(m) To be the chief procurement officer of the town, responsible for procuring all services, supplies, material and equipment for all departments and activities of the town in the manner provided in chapter thirty B of the General Laws and shall have all the powers given to purchasing agents by section one hundred three of chapter forty-one of the General Laws. The ~~chief administrative and financial officer~~town manager shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency. The ~~chief administrative and financial officer~~town manager shall be responsible for the disposal of all supplies, material and equipment declared surplus by any town agency.

(n) To see that all of the provisions of the general laws, of this charter, town by-laws and other votes of the town meeting which require enforcement by the ~~chief administrative and financial officer~~town manager, or officers subject to the direction and supervision of the ~~chief administrative and financial officer~~town manager, are faithfully executed, performed or otherwise carried out.

(o) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency.

(p) To attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the ~~chief administrative and financial officer~~town manager exercises any supervision.

(q) To reorganize, consolidate or abolish, in the manner provided in Article 5, town agencies serving under the supervision of the ~~chief administrative and financial officer~~town manager, in whole or in part, provide for new town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

(r) To coordinate the activities of all town agencies serving under the office of ~~chief administrative and financial officer~~town manager and the office of board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the ~~chief administrative and financial officer~~town manager shall have authority to require the persons so elected, or their representatives, to meet with the ~~chief administrative and financial officer~~town manager, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town.

(s) To prepare and maintain long-term financial forecasts; including revenue expectations, future implications of operating budget program decisions and capital budget programs related to infrastructure maintenance, improvement and expansion.

(t) To perform any other duties as are required to be performed by the ~~chief administrative and financial officer~~town manager by town by-laws, the votes of the town meeting, or the votes of the board of selectmen, the appointing authority, or otherwise.

SECTION 4-3: DELEGATION OF AUTHORITY

The ~~chief administrative and financial officer~~town manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of ~~chief administrative and financial officer~~town manager, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the ~~chief administrative and financial officer~~town manager.

SECTION 4-4: ACTING ~~CHIEF ADMINISTRATIVE AND FINANCIAL OFFICER~~TOWN MANAGER

(a) *Temporary Absence* - By letter filed with the town clerk, the ~~chief administrative and financial officer~~town manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of ~~chief administrative and financial officer~~town manager during a temporary absence. During a temporary absence the appointing authority may not revoke such designation until at least ten working days have elapsed, whereupon the board of selectmen may appoint another qualified town administrative officer or ~~employee~~ to serve until the ~~chief administrative and financial officer~~town manager shall return.

(b) *Unplanned Temporary Absence* - In the event of an emergency absence, the appointing authority may appoint a qualified town administrative officer or employee to serve until the town manager shall return or the office is declared vacant.

(bc) *Vacancy* - Any vacancy in the office of ~~chief administrative and financial officer~~town manager shall be filled as soon as possible by the appointing authority, but, pending such regular appointment the appointing authority shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis.

SECTION 4-5: REMOVAL AND SUSPENSION

The appointing authority may, by a majority vote of the full board, terminate and remove, or suspend, the ~~chief administrative and financial officer~~town manager from office in accordance with the following procedure.

(a) The appointing authority shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the ~~chief administrative and financial officer~~town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the ~~chief administrative and financial officer~~town manager forthwith.

(b) Within five days after receipt of the preliminary resolution the ~~chief administrative and financial officer~~town manager may request a public hearing by filing a written request for such hearing with the town moderator filed with the town clerk. This hearing shall be held at a meeting of the appointing authority called by the town moderator not later than thirty days after the request is filed nor earlier than twenty days. The ~~chief administrative and financial officer~~town manager may file a written statement responding to the reasons for removal stated in the resolution of removal provided the same is received by the town moderator at least forty-eight (weekday) hours in advance of the public hearing.

(c) The appointing authority may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all of its members at any time after ten days following the date of delivery of a copy of the preliminary resolution to the ~~chief administrative and financial officer~~town manager, if the ~~chief administrative and financial officer~~town manager has not requested a public hearing, or, any time after the public hearing if the ~~chief administrative and financial officer~~town manager has requested one. The ~~chief administrative and financial officer~~town manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the appointing authority in suspending or removing the ~~chief administrative and financial officer~~town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the appointing authority.

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF TOWN AGENCIES

The ~~chief administrative and financial officer~~town manager and the town meeting shall from time to time provide for the grouping of town agencies into convenient units for the delivery of municipal services. The organization of the

town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

(a) *By-Laws* - Subject only to express prohibitions in a general law or the provisions of this charter, the town meeting may, by by-law reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or unless this charter specifically so provides, assigned to any other town agency.

(b) *Administrative Plan* - The ~~chief administrative and financial officer~~town manager may from time to time, after consultation with the board of selectmen, prepare and submit to the town meeting plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the ~~chief administrative and financial officer~~town manager proposes such a plan, the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven nor more than fourteen days following said publication.

An organization or reorganization plan shall become effective at the expiration of sixty days following the date the proposal is submitted to the town meeting unless the town meeting shall, by a majority vote, within such period vote to disapprove the plan. The town meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The ~~chief administrative and financial officer~~town manager may, through the administrative plan, and subject only to express prohibitions in a general law or this charter, reorganize, consolidate or abolish any town agency, in whole or in part; establish such new town agencies as is deemed necessary to the same extent as is provided in section 5-1(a), above, for by-laws; and for such purpose may transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless this charter specifically so provides.

Every reorganization plan submitted by the ~~administration and financial officer~~town manager pursuant to this provision shall contain a proposed by-law which contains, in detail, such amendments, revisions, repeals or otherwise of existing ordinances as may be necessary to accomplish the desired reorganization. Such reorganization plan and proposed ordinance shall be accompanied by a message of the ~~administration and financial officer~~town manager which explains the benefits expected to ensue

SECTION 5-2: MERIT PRINCIPLE

All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

SECTION 5-3: DEPARTMENT OF FINANCE AND FINANCIAL SERVICES

(A) *Establishment* - There shall be a department of finance and financial services headed by a director of municipal finance who ~~shall~~may be the ~~chief administrative and financial officer~~town manager established by article 4, which shall be responsible for the management of the fiscal and financial affairs of the town and for the supervision and coordination of all activities of all town agencies in relation to any fiscal or financial matter. In the case where the director of municipal finance is not the town manager, the appointment of a director of municipal finance by the town manager shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority of all of its members vote to reject such appointment or has sooner voted to affirm it.

(B) *Scope of Department Activities* - The department of finance shall be responsible for and shall include the following functions:

- (1) Coordination of all financial services and activities of the town;
- (2) Maintenance of all accounting records and other financial statements for all offices and agencies of the Town;
- (3) Payment of all financial obligations on behalf of the town;
- (4) Receipt of all funds due to the town from any source;
- (5) Maintenance of all property valuation records and systems;
- (6) Rendering advice, assistance and guidance to all town offices and agencies in any matter relating to financial or fiscal affairs;
- (7) Monitoring throughout the fiscal year of the expenditure of funds by town offices and agencies, including the periodic reporting on the status of all accounts with recommendations concerning fiscal and financial policies to be implemented by such offices and agencies.
- (8) Coordination of all financial transactions associated with the procurement of all goods, supplies and materials by town offices and agencies with the central procurement procedures established pursuant to MGL chapter 30B.

(C) Director of Finance and Financial Services

The department of financial services shall be headed by the ~~chief administrative and financial officer~~director of municipal finance who shall serve as the chief financial officer.

The treasurer and collector shall have such powers and duties as may be vested in those offices expressly by general or special law, but shall otherwise report to and be under the direction and supervision of the ~~chief financial officer~~director of municipal finance.

The powers and duties of said ~~chief financial officer~~director of municipal finance shall include the following:

- (1) Coordination, administration, and supervision of all financial services and activities;
- (2) Assistance in all matters related to municipal financial affairs;
- (3) Implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the school department, and including but not limited to: maintenance of all financial and accounting data and records;
- (4) Implementation and maintenance of uniform budget guidelines and procedures;
- (5) Assistance in development and preparation of all department budgets and spending plans;
- (6) Review of all contracts and obligations; monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies of the status of accounts; establishment of a spending plan for each department; and the allotment of funds on a periodic basis.

In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the chief financial officer to promote, secure, and preserve the financial interests of the town.

The chief financial officer shall from time to time promulgate rules and regulations governing any subject within the jurisdiction of the department of finance as are necessary to implement the provisions of this section.

(D) Operating Divisions - The department of finance shall consist of the following divisions:

(1) Division of Collections

The division of collections, headed by a town collector, shall collect all accounts due to the town from any source.

(2) Division of Treasury Management

The division of treasury management, headed by a town treasurer, shall receive and take charge of all money belonging to the town.

(3) Division of Accounting

The division of accounting, headed by a town accountant appointed by the board of selectmen, shall be responsible for the following:

- (a) the maintenance of accounts for all financial transactions of the town;
- (b) the pre-audit of all purchase orders, receipts and disbursements;
- (c) the preparation of payrolls;
- (d) the preparation of warrants for the payment of all bills of the town;
- (e) the preparation of periodic reports on the status of departmental receipts and expenditures; and
- (f) the maintenance of central grant and contract files;

(4) Division of Assessing

The assessing division shall be under the charge of a board of assessors elected by the voters as provided in article 3. The division of assessing shall be responsible for the following:

- (a) establish the valuation of all real and personal property;
- (b) maintain records substantiating all assessments made;
- (c) prepare and issue commitments for the collection of property taxes and motor vehicle excise taxes by the office of collections;
- (d) acting on abatement and exemption applications filed with it and representing the town before the Appellate Tax Board.

(5) Division of Procurement

The division of procurement shall be responsible for purchasing all supplies, material and equipment for all offices and agencies of the town to the extent provided in section one hundred and three of chapter forty-one of the general laws, and for the purposes of chapter thirty B of the general laws, the town purchasing agent shall be the chief procurement officer of the town.

SECTION 5-4: DEPARTMENT OF FIRE AND EMERGENCY SERVICES

There shall be a department of fire and emergency services which shall be headed by a fire chief, ~~appointed by the board of selectmen,~~ who shall have full and absolute authority in the administration of the department and who shall make all rules and regulations for its operation. The fire chief shall be responsive to the ~~chief administrative and financial officer~~ town manager in coordinating the operation of the fire and emergency services department with the operation of all other town agencies. The fire chief appointed under this section shall have the powers and duties of a fire chief appointed pursuant to section forty-two of chapter forty-eight of the General Laws.

ARTICLE 6 FINANCES AND FISCAL PROCEDURES

SECTION 6-1: FISCAL YEAR

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

SECTION 6-2: SCHOOL COMMITTEE BUDGET

(a) *Public Hearing* - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held

by the school committee on the proposed budget. The school committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) *Submission to ~~Chief administrative and financial officer~~Town Manager* - The budget as adopted by the school committee shall be submitted to the ~~chief administrative and financial officer~~town manager in sufficient time to enable the ~~chief administrative and financial officer~~town manager to consider the effect of the school department's requested appropriation upon the total town operating budget which is required to be submitted under this article.

SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

Within the time fixed by by-law before the annual town meeting is to convene, the ~~chief administrative and financial officer~~town manager shall submit to the finance committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The ~~chief administrative and financial officer~~town manager shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

The budget message of the ~~chief administrative and financial officer~~town manager shall, include, specifically, projection of the fiscal and financial needs of the town for at least the next five fiscal years, or such longer period as may be deemed appropriate, both as to income and expenses, as well as any substantial financial expenditures contemplated by any department, committee, or board during such period, including budget programs related to infrastructure maintenance, improvement and expansion. The message shall also include a forecast of any fiscal trends which the ~~chief administrative and financial officer~~town manager believes are likely to have an affect on the town's revenues or expenses.

SECTION 6-4: BUDGET MESSAGE

The budget message of the ~~chief administrative and financial officer~~town manager shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the ~~chief administrative and financial officer~~town manager deems desirable, or the selectmen may reasonably require.

SECTION 6-5: THE BUDGET

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form which the ~~chief administrative and financial officer~~town manager deems desirable or the board of selectmen may require. In the presentation of the budget, the ~~chief administrative and financial officer~~town manager shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The proposed budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The proposed budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

SECTION 6-6: ACTION ON THE BUDGET

(a) *Public Hearing* - Forthwith upon its receipt of the proposed operating budget the finance committee shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more

than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

(b) *Review* - The finance committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The finance committee may require the ~~chief administrative and financial officer~~town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) *Action by Town Meeting* - The finance committee shall file a report containing its recommendations for actions on the proposed operating budget, which report shall be available at least seven days before the date on which the town meeting acts on the proposed budget. Copies of the report of the finance committee shall be available for distribution to any person requesting the same at the office of the town clerk, the office of the board of selectmen, the offices of the school administration and at the ~~Ritter Memorial~~Lunenburg Public Library. When the budget proposed by the ~~chief administrative and financial officer~~town manager is before the town meeting for action it shall first be subject to amendments, if any, proposed by the finance committee before any other amendments shall be proposed.

SECTION 6-67: CAPITAL IMPROVEMENTS PROGRAM

The ~~chief administrative and financial officer~~town manager shall submit a capital improvement program to the board of selectmen and the finance committee at least one hundred fifty days before the start of each fiscal year. It shall be based on material prepared by the capital planning committee established by by-law, including:

- (a) a clear concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five (5) years, with supporting information as to the needs of each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. This information is to be annually revised by the ~~chief administrative and financial officer~~town manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

ARTICLE 7 GENERAL PROVISIONS

SECTION 7-1: ELECTIONS

The articles in the warrant for any town meeting insofar as they relate to the election of town officers, or to the determination by the voters of any question to be submitted for such decision by written ballots, shall be acted upon and determined by the voters in their respective precincts. The regular town election shall be taken on official ballots without party or political designation of any kind on the date fixed by by-law. The order in which names of candidates appear on the official ballot at any town election shall be determined by a drawing by lot conducted by the town clerk. Each candidate shall be given the opportunity to be present, in person, or to be represented by a designee at the drawing. Each candidate for re- election shall have printed on the official ballot, in addition to such candidates name and address, the words "candidate for re-election".

SECTION 7-2: CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

SECTION 7-3: SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 7-4: SPECIFIC PROVISIONS TO PREVAIL

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

SECTION 7-5: NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

SECTION 7-6: RULES AND REGULATIONS

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten days following the date it has been so filed in the office of the town clerk. Attested copies shall also be kept available in the ~~Ritter Memorial~~Lunenburg Public Library.

SECTION 7-7: PERIODIC REVIEW, CHARTER AND BY-LAWS

(a) *Charter Review* - At least once in every ten years, ~~beginning in 2010, and thereafter in each year ending in a zero,~~ a special committee to consist of nine members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the finance committee and the school committee shall each designate two persons, the planning board shall designate one person, and two persons shall be appointed by the town moderator. Persons appointed by the said agencies may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the annual town meeting.

(b) *By-Law Review* - The board of selectmen shall at five year intervals, in each year ending in five, or in zero, cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment at the annual town meeting in the year following the year in which the said committee is appointed. The by-law review committee shall consist of the town clerk who shall serve by virtue of office, two persons appointed by the town moderator and two persons appointed by the board of selectmen. The said committee in its final, or in an interim report, shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with the town counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published, all as required by general laws. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

SECTION 7-8: PROCEDURES GOVERNING MULTIPLE MEMBER BODIES

(a) *Meetings* - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairperson or by one-third of the members thereof by suitable notice delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board in the manner provided by law. Special meetings of any multiple member body shall also be called within one week after the date of the filing with the town clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

(b) *Agendas* - At least twenty-four hours before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, a resolution declaring that an emergency exists and that the

particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.

(c) *Rules and Journal* - Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by law and shall provide for keeping a journal of its proceedings. These rules and journals shall be public records, and certified copies shall be kept available in the office of the town clerk.

(d) *Voting* - Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, that if the vote is unanimous only that fact need be recorded.

(e) *Quorum* - A majority of the members of the multiple member body then in office shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.

(f) *Filling of Vacancies* - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to its appointing authority. If, at the expiration of thirty days following the delivery of such notice to the appointing authority said officer or multiple member body has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.

(g) *Composition of Multiple Member Bodies* - All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

SECTION 7-9: REMOVALS AND SUSPENSIONS

Any appointed town officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may, for good cause, be suspended or removed from office, without compensation, by the officer or multiple member body which appoints such officers, members of multiple member bodies, or employees. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office. Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the officer or multiple member body which appoints such officers, members of multiple member bodies, or employees, if such action is deemed by said appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen days. Suspension may be conterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below. The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

(a) A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.

(b) Within five days following delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

(c) Between one and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be

reinstated. Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when a fixed term expires.

SECTION 7-10: NOTICE OF VACANCIES

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

ARTICLE 8 TRANSITIONAL PROVISIONS

SECTION 8-1: CONTINUATION OF EXISTING LAWS

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

SECTION 8-2: CONTINUATION OF GOVERNMENT

All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.

SECTION 8-3: CONTINUATION OF ADMINISTRATIVE PERSONNEL

Any person holding a town office, or a position in the administrative service of the town, or any person holding full time employment under the town, shall retain such office, or position, or employment, and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the town shall forfeit their pay grade, or time in the service of the town as a result of the adoption of this charter. All such persons shall be retained in a capacity as similar to the capacity in which they were serving at the time this charter is adopted as is practicable and any reduction in the personnel needs of the town shall be accomplished through a policy of attrition, unless specific provision is otherwise made in this article.

SECTION 8-4: TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

SECTION 8-5: TIME OF TAKING EFFECT

The provisions of section 8-5 were provided in the report of the charter commission to make smooth the transition from the government that had been in effect prior to the form of government provided by the new charter. The provisions contained in section 8-5 were not intended to be of permanent force and effect and have expired by their own limitation. To the extent that there is any doubt as to the continuing effect of any of the provisions of section 8-5 as contained in the report of the charter commission all of provisions of the said section are hereby repealed.

For the purposes of making the transition from the existing form of government to that contained in this revised charter the following transitional sections shall apply:

The incumbent town clerk and the incumbent members of the board of commissioners of trust funds shall continue to serve until the terms for which they were elected have expired, but their successors shall be selected in the manner provided in this revised charter.

~~This charter shall take effect upon its adoption by the voters of Lunenburg, except as is hereinafter provided:~~

~~(a) Until such time as the salary of the chief administrative and financial officer is otherwise established, and to provide a range within which candidates can initially be recruited, the salary range for the office is hereby determined to be not less than fifty five thousand nor more than eighty thousand dollars per year.~~

~~(b) Until such time as the town may act, pursuant to the provisions of article 5, to provide a different administrative arrangement, the position of director of facilities and grounds and the director of technology shall report directly to the superintendent of schools for all school related issues and to the chief administrative and finance officer only on non-school (town) issues. If any dispute should arise concerning time allocation by either of said individuals the superintendent of schools and the chief administrative officer shall, forthwith, meet and, in good faith, resolve such conflict as expeditiously as possible.~~

~~(c) Nothing in this charter shall be construed to prevent the incumbent town clerk from being a candidate for election to the office of town clerk and to be an applicant to be appointed to the position of town treasurer or town collector, or both.~~

~~(d) Notwithstanding any provision of this charter to the contrary, it is not expected that the first person appointed to the office of chief administrative and financial officer shall, forthwith upon appointment, begin at once to exercise all of the powers and perform all of the duties and responsibilities assigned to the office, by or under this charter. It is recognized that in the long range best interests of the Town of Lunenburg, such assumption must be on a gradual, 'phased-in' basis.~~

~~(e) Until such time as the town meeting shall act, by by-law, to establish different minimum qualifications for the office of chief administrative and financial officer the following shall apply: Candidates for the position of chief administrative and financial officer shall at the time of application hold at least a bachelors level degree (a masters level degree, preferred) in the field of public administration or public finance, or a closely allied field of study and shall have not less than five years of progressively more responsible experience in municipal administrative and financial leadership positions.~~

~~(f) Forthwith following the special election held in September of the year in which this charter is adopted, when the board of selectmen consists of five members, a CAFO screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of chief administrative and financial officer. The board of selectmen, the school committee, the board of assessors and the planning board shall each, at the first meeting held following the special town election as aforesaid, designate which of its members shall serve on the CAFO screening committee and shall forward the names to the town moderator.~~

~~Not more than thirty days following the date on which said special election was held the town moderator shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.~~

~~The screening committee shall review all applications that are received by it, screen all such applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.~~

~~Not more than ninety days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of those persons whom it believes to be qualified and best suited to perform the duties of the office of chief administrative and financial officer.~~

~~Within thirty days following the date the list of nominees is submitted to it the board of selectmen shall appoint one person from said list to serve as chief administrative and financial officer, or it shall vote to reject all said nominees.~~

~~In the event the board of selectmen shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, appoint the chief administrative and financial officer.~~

~~Upon the appointment of a chief administrative and financial officer the committee established hereunder shall be considered discharged.~~

~~Until such time as some other provision is made, by by law, for another screening committee a committee as above shall be established whenever the office of chief administrative and financial officer shall become vacant, provided, however, that in the second paragraph the phrase "forthwith following the special election" shall be understood to mean "thirty days following the date such vacancy, or pending vacancy, becomes known".~~

~~(g) A special election shall be held on the third Saturday in September in the year in which the charter is adopted for the purpose of electing two additional members of the board of selectmen and electing a fourth member of the board of health.~~

~~The candidate for member of the board of selectmen who receives the highest number of votes at said special election shall be declared elected to a term of office which will expire at the annual town election in 2002 and the candidate who receives the next highest number of votes shall be declared elected to a term of office which will expire at the annual town election in 2001.~~

~~The candidate for member of the board of health who receives the highest number of votes at said special election shall be declared elected to a term of office which will expire at the annual town election in 2002. Forthwith following the said special election the board of selectmen shall appoint a fifth person to board of health for a term of office which will expire in 2001.~~

~~(h) Not later than thirty days following the election at which this charter is adopted the board of selectmen shall appoint seven persons to be a committee to begin a review of the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. At least two of the persons appointed to the committee shall have been members of the Lunenburg Charter Commission. The committee shall submit a report, with recommendations, to the annual town meeting in the year following the year in which this charter is adopted. The review shall be conducted under the supervision of the town counsel, or, by special counsel appointed for that express purpose.~~

~~(i) The board of selectmen shall have authority to adopt measures which clarify, confirm or extend any of the transitional provisions of this charter in order that such transition may be made in the most expeditious and the least contentious manner possible.~~

